



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,000	03/25/2004	Theodore J. Stechschulte	15564	7754
4859	7590	01/23/2007	EXAMINER	
MACMILLAN SOBANSKI & TODD, LLC ONE MARITIME PLAZA FIFTH FLOOR 720 WATER STREET TOLEDO, OH 43604-1619			MAHMOOD, REZWANUL	
			ART UNIT	PAPER NUMBER
			2164	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/809,000	STECHSCHULTE ET AL.
Examiner	Art Unit	
Rezwanul Mahmood	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 November 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-20 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. ____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application
6) Other: _____

DETAILED ACTION

1. This action is in response to the communication filed on November 6, 2006.

Response to Amendment

2. Claims 1-20 are pending in this office action.

Response to Arguments

3. Applicant's arguments filed on 11/06/2006 have been fully considered but they are not persuasive for the following reasons:

Applicant argues that Twining does not teach or even suggest the features "processing and communicating data via an Internet website" and "ability to compile images, such as photographs of the fish caught before releasing, the location, the weather, etc, and linking those images with all relevant data, including time and date stamping the images to automatically correspond to data input at the respective date and time".

Examiner respectfully disagrees all of the allegations as argued. Examiner, in his previous office action, gave detail explanation of claimed limitation and pointed out exact locations in the cited prior art.

Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-1]

Interpretation of Claims-Broadest Reasonable Interpretation:

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the

opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 162 USPQ 541,550-51 (CCPA 1969).

Twining teaches in Column 6 lines 40-67 and Column 7 lines 1-51, transferring data from the remote unit to a network server using a modem connection, while other users can share the data by contacting the network server. Contacting a server via modem connection to communicate data is inherently processing and communicating data via an Internet website as the applicant proposes. Twining disclosed subscribed users accessing the network server database, but it is not limited to only letting subscribed users access the data, and even if that was the case, many Internet websites require a subscription to communicate data.

Twining teaches in Column 2 lines 20-30, storing data related to the physical properties of the fish and/or the environmental conditions at the time and may also store the time, date and geographic location of the catch. In Column 4 lines 40-51 and Column 5 lines 4-11, Twining teaches input mechanisms for manually entering information and touch screen for viewing images of species of fish from which the user may select a species. The remote unit disclosed by Twining also includes menus to include information with the data, and clock circuitry to store the time and date when the data is recorded.

For the above reasons, Examiner believed that rejection of the last Office action was proper.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Twining (US Patent 6,222,449).

6. With respect to claim 1, Twining discloses a data logging system for sports, comprising:

a data logging and processing first module for collecting, storing and analyzing data related to a sport, said first module being configured in a portable and compact unit, wherein said data includes time and date stamped images (Twining: Column 3, lines 19-28; Column 4, lines 40-51; Column 5, lines 4-11; Figure 1);

a plurality of sensors connected to said first module for measuring predetermined variables related to the sport and providing data representing the variables to said first module (Twining: Column 3, lines 40-44);

a data communication second module for entry of data (Twining: Column 3, lines 54-67; Figure 1);

a personal computer selectively connected to said first module and said second module and running software that collects, stores and analyzes the data from to said first module and said second module, including automatically linking said images to all data relevant to said time and date stamp, and reports results to a user (Twining:

Column 4, lines 40-51; Column 5, lines 4-19 and 54-67; Column 6, lines 40-59; Figure 1); and

an Internet web site providing access to said personal computer for receiving information from said personal computer related to the data and for providing to said personal computer other information related to the sport (Twining: Column 5, lines 12-19 and 54-67; Column 6, lines 40-59; Twining discloses transferring data to a network server via a modem connection which inherently may be an Internet web site).

7. With respect to claim 2, Twining discloses the system according to claim 1 including a hub for releasably docking said first module and connecting said first module to said sensors (Twining: Column 8, lines 28-32).
8. With respect to claim 3, Twining discloses the system according to claim 1 wherein said sensors include at least one of a sonar unit, a water probe and a weather station (Twining: Column 4, lines 3-10).
9. With respect to claim 4, Twining discloses the system according to claim 3 wherein said sonar unit includes an ultrasonic transducer (Twining: Column 8, lines 28-32; Column 3, lines 40-48).
10. With respect to claim 5, Twining discloses the system according to claim 3 wherein said water probe includes at least one of a pressure sensor, a temperature

sensor, a solar sensor and an alkalinity sensor (Twining: Column 4, lines 3-10).

11. With respect to claim 6, Twining discloses the system according to claim 3 wherein said weather station includes at least one of a solar sensor, a pressure sensor, a temperature sensor, a humidity sensor, a wind velocity/direction sensor and a heading/direction sensor (Twining: Column 4, lines 3-10).

12. With respect to claim 7, Twining discloses the system according to claim 1 wherein said second module is a handheld unit having a keyboard for entering the data and a display for viewing the data (Twining: Column 3, lines 54-67; Column 4, lines 52-62).

13. With respect to claim 8, Twining discloses the system according to claim 1 wherein said second module is a data entry panel having a touch screen for entering the data and for viewing the data (Twining: Column 3, lines 54-67; Column 4, lines 40-51).

14. With respect to claim 9, Twining discloses the system according to claim 1 wherein said second module is a wireless data recorder having a microphone for entering the data (Twining: Column 5, lines 19-32; Although Twining does not disclose expressly a microphone to be included in his device, inherently to aid in recording information, one can be present).

15. With respect to claim 10, Twining discloses a data logging system for providing virtual guide fishing information, comprising:

a plurality of data logging and processing first modules for collecting, storing and analyzing data related to fishing, each said first module being configured in a portable and compact unit, wherein said data includes images (Twining: Column 3, lines 19-28; Column 4, lines 40-51; Column 5, lines 4-11; Figure 1);

a plurality of sensors associated with and connected to each said first module for measuring predetermined variables related to fishing and providing data representing the variables to said first module (Twining: Column 3, lines 40-44);

a plurality of data communication second modules for manual entry of data, including manually linking said images to said plurality of data (Twining: Column 4, lines 40-51; Column 5, lines 4-19 and 54-67; Column 6, lines 40-59; Figure 1);

an Internet web site providing access to said first and second modules through personal computers of users for receiving information from said first and second modules related to the fishing data and for providing to the users through the personal computers virtual guide information related to fishing (Twining: Column 5, lines 12-19 and 54-67; Column 6, lines 40-59; Twining discloses transferring data to a network server via a modem connection which inherently may be an Internet web site).

16. With respect to claim 11, Twining discloses the system according to claim 10 including a hub for releasably docking one of said first modules and connecting said first

module to said associated sensors (Twining: Column 8, lines 28-32).

17. With respect to claim 12, Twining discloses the system according to claim 10 wherein said sensors include a sonar unit having an ultrasonic transducer (Twining: Column 8, lines 28-32; Column 3, lines 40-48).

18. With respect to claim 13, Twining discloses the system according to claim 10 wherein said sensors include a water probe having at least one of a pressure sensor, a temperature sensor, a solar sensor and an alkalinity sensor (Twining: Column 4, lines 3-10).

19. With respect to claim 14, Twining discloses the system according to claim 10 wherein said sensors include a weather station having at least one of a solar sensor, a pressure sensor, a temperature sensor, a humidity sensor, a wind velocity/direction sensor and a heading/direction sensor (Twining: Column 4, lines 3-10).

20. With respect to claim 15, Twining discloses the system according to claim 10 wherein at least one of said second modules is a handheld unit having a keyboard for entering the data and a display for viewing the data (Twining: Column 3, lines 54-67; Column 4, lines 52-62).

21. With respect to claim 16, Twining discloses the system according to claim 10

wherein at least one of said second modules is a data entry panel having a touch screen for entering the data and for viewing the data (Twining: Column 3, lines 54-67; Column 4, lines 40-51).

22. With respect to claim 17, Twining discloses the system according to claim 10 wherein at least one of said second modules is a wireless data recorder having a microphone for entering the data (Twining: Column 5, lines 19-32; Although Twining does not disclose expressly a microphone to be included in his device, inherently to aid in recording information, one can be present).

23. With respect to claim 18, Twining discloses a data logging system for fishing information, comprising:

a data logging and processing first module for collecting, storing and analyzing data related to fishing, including imaging data (Twining: Column 3, lines 19-28; Column 4, lines 40-51; Column 5, lines 4-11; Figure 1);

a plurality of sensors connected to said module for measuring predetermined variables related to fishing experiences and providing data representing the variables to said first module (Twining: Column 3, lines 40-44);

a data communication second module for entry of data related to fishing experiences (Twining: Column 3, lines 54-67; Figure 1);

a personal computer selectively connected to said first module and said second module and running software that collects, stores and analyzes the data from to said

first module and said second module to link said images to said data and reports results to a user (Twining: Column 4, lines 40-51; Column 5, lines 4-19 and 54-67; Column 6, lines 40-59; Figure 1); and

an Internet web site providing access to said personal computer for receiving information from said personal computer related to the data and for providing to said personal computer other information related to fishing (Twining: Column 5, lines 12-19 and 54-67; Column 6, lines 40-59; Twining discloses transferring data to a network server via a modem connection which inherently may be an Internet web site).

24. With respect to claim 19, Twining discloses the system according to claim 18 wherein said Internet web site provides fishing excursion plans identifying potential bodies of water which hold promise and including associated fishing data obtained from said first and second modules (Twining: Column 6, lines 40-67; Column 7, lines 1-13 and 58-67).

25. With respect to claim 20, Twining discloses the system according to claim 19 wherein said Internet web site identifies as the other information at least one of providers of food, lodging, gas, licenses and bait and tackle in an area surrounding one of the potential bodies of water (Twining: Column 6, lines 40-67; Column 7, lines 1-13 and 58-67).

Conclusion

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Carlson reference (US Patent 6,934,657) teaches about a device obtaining water temperature data and graphically displaying it. The Hill reference (US Patent 4,578,889) teaches about an apparatus for locating and catching fish. The Branham reference (US Patent 6,459,372) teaches about a hand-held device for identifying fishing areas..

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rezwanul Mahmood whose telephone number is (571)272-5625. The examiner can normally be reached on M - F 10 A.M. - 5 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571)272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rm
Rezwanul Mahmood
Examiner
Art Unit 2164

January 17, 2007

Shahid Alam
SHAHID ALAM
PRIMARY EXAMINER